

REMARKS

Claims 1-11 are now pending in the application. Claims 12-95 are subject to restriction. In response to the Office Action, Applicant has cancelled Claims 1-11 and has offered original Claims 86-95 and new Claims 96-129. In addition, Claims 12-85 have been cancelled as drawn to a non-elected invention. Upon entry of the Amendments, Claims 86-129 remain pending.

Support for the new claims is found in the specification and claims as originally filed. For example, support for Claim 96 is found in cancelled Claims 1 and 4. Support for Claim 97 is found in cancelled Claims 1 and 5. Support for new Claim 108 is found in cancelled Claims 1, 6, and 7. Support for new Claim 109 is found in cancelled Claims 1, 6, and 8. Support for new Claim 119 is found, for example, in cancelled Claims 1, 9, and 10. Support for new Claim 120 is found, for example, in cancelled Claim 1, 9, and 11. Support for the dependent Claims 99-105, 110-118, and 121-129 is found, for example, on pages 12-18 of the specification and in the examples. Applicant respectfully requests entry of the Amendments.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to a Supplemental IDS filed in the case on May 10, 2005. The Examiner is respectfully requested to consider the art cited there and return an initialized Form 1449 with the next Office Action.

CLAIMS 86-95

In response to the January 7, 2005 Restriction Requirement, Applicant elected Group I with traverse, Group I being drawn to claims 1-11, from which new claims 96-129 of this amendment are derived. Claims 86-95 were listed as belonging to Invention Group IX in the restriction requirement, and as such, they appear to be drawn to a non-elected invention.

However, upon closer inspection, it appears Claims 86-95 have exactly the same scope and form as Claims 1-11, which were examined. For example, Claims 86-95 recite an aromatic polyamide as the thermoplastic material. Otherwise they are the same as Claims 1-11, drawn to a "processable rubber composition comprising a cured fluorocarbon elastomer dispersed in a matrix comprising a thermoplastic material."

Claims 86-95 are patentable over the cited references, neither of which discloses or suggests processable compositions made by dynamically vulcanizing a fluorocarbon elastomer in a matrix comprising an aromatic polyamide.

For these reasons, Applicant respectfully requests the Examiner consider Claims 86-95 along with new Claims 96-129.

TELEPHONIC INTERVIEW WITH EXAMINER NUTTER

Applicant would like to thank Examiner Nutter for the courtesies extended to Applicant's representative in a telephone conference on March 29, 2005. Examiner Nutter confirmed that the claims not listed as rejected on the basis of the Martinez reference and the Sakai reference in fact contain allowable subject matter and would be allowable if

written in independent form. Applicant has prepared the current Amendment based on that understanding.

ART REJECTIONS

Claims 1-3, 6 and 9 are rejected as anticipated by the Martinez reference (U.S. Patent No. 5,459,202). Applicant respectfully traverses the rejection and requests reconsideration.

For a rejection of claims under §102 to be sustained in light of a reference, the reference must disclose each and every limitation of the claims. If any limitation is present in the claims, but not in the reference, the §102 rejection should be withdrawn.

The Martinez reference does not disclose a processable rubber composition comprising a cured fluorocarbon elastomer dispersed in a thermoplastic material. Rather, the Martinez reference is drawn to mold curing a blend of fluorocarbon elastomer and a hydrocarbon polymer. The process is described at column 4 beginning at line 37. An uncured fluorocarbon elastomer and a hydrocarbon polymer are first blended, for example by cross-cutting. At this stage, the blend does not contain cured fluorocarbon elastomer dispersed in a matrix, although the mixture is processable. After the blend is formed, the composition is placed in a mold under pressure, wherein the composition is heated to cure it. Column 4, line 54-58. At this stage, while arguably Martinez shows a cured fluorocarbon elastomer dispersed in a matrix, it is not at this stage a processable rubber composition, as it is a thermoset seal material. Further, the reference does not disclose or suggest the use of aromatic polyamides (Claims 88-95) or of thermoplastic materials that have a glass transition temperature or a melting temperature above 150°C (Claims 96-

129). Because the Martinez reference fails to disclose at least one limitation of all of Applicant's new claims, the new claims are patentable over the reference. Accordingly, Applicant respectfully requests the rejection, as applied to the amended claims, be withdrawn.

Claims 1-3 and 6 are rejected under §102 as anticipated by the Sakai reference (U.S. Patent No. 5,206,293). All of the claims rejected in view of Sakai have been amended and presented as new claims containing at least one limitation from Claims 4, 5, or 7-11. Since the latter claims are not anticipated by Sakai, the amended claims containing those limitations are patentable in view of the reference.

To illustrate, new Claims 96 and 97 contain the allowable subject matter of former Claims 4 and 5, respectively. Likewise, new independent Claims 108 and 109 contain the patentable subject matter of Claims 7 and 8, respectively. In a similar manner, independent Claims 119 and 120 contain the allowable subject matter of cancelled Claims 10 and 11, respectively. Claims 99-105 depend from Claim 97 and recite a preferred thermoplastic material. In a similar way, Claims 110-118 depend from new Claim 109 and Claims 121-129 depend from Claim 120.

Applicant believes, in view of the Examiner's clarification in the telephone conference, that the newly offered claims are patentable over the Sakai reference. Accordingly, Applicant respectfully requests the new claims be passed to a state of allowance.

CONCLUSION

For the reasons discussed above, Applicant believes that Claims 86-129 are in a state of allowability and respectfully requests an early Notice of Allowance. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

Respectfully submitted,

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